

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

THOMAS FRY, and all others similarly )  
situated, )  
  )  
Plaintiff, )  
  )  
v.    ) Cause No: 06-cv-3723  
  )  
EXELON CORPORATION CASH BALANCE ) Hon. William T. Hart  
PENSION PLAN, )  
  )  
Defendant. ) CLASS ACTION

DOCKETING STATEMENT PURSUANT TO RULE 3(c) OF THE CIRCUIT RULES  
OF THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

In his Complaint, Plaintiff alleges violations of the Employee Retirement Income Security Act of 1974 (“ERISA”), the Internal Revenue Code (“IRC”) and implementing Treasury Regulations, specifically ERISA §§ 203(e) and 205(g), 29 U.S.C. §§ 1053(e) and 1055(g), and IRC § 417(e), 26 U.S.C. § 417(e) as implemented by Treas. Reg. § 1.417(e)-1(d), 26 C.F.R. § 1.417(e)-1(d), and ERISA § 203(a), 29 U.S.C. § 1053(a) and IRC § 411(a), 26 U.S.C. § 411(a), as implemented by Treas. Reg. § 1.411(a)-4 and 4T, 26 C.F.R. § 1.411(a)-4 and 4T. The District Court therefore had federal question jurisdiction under 28 U.S.C. § 1331 and ERISA § 502(e)(1), 29 U.S.C. §1132(e)(1).

The United States Court of Appeals for the Seventh Circuit has appellate jurisdiction under 28 U.S.C. § 1291, as this is an appeal from a final decision of a district court of the United States, adjudicating all claims with respect to all parties. The District Court entered judgment on September 5, 2007. Plaintiff filed a Motion to Alter or Amend Judgment Pursuant to Fed. R.

Civ. P. 59(e) on September 17, 2007. The District Court granted Plaintiff's Motion to Alter or Amend in part and denied it in part on December 27, 2007 and entered final judgment that same date. Plaintiff files simultaneously herewith his Notice of Appeal pursuant to Fed. R. App. P. 4(a)(4)(A)(iv) on January 16, 2008.

Pursuant to Rule 3(d) of the Circuit Rules of the United States Court of Appeals for the Seventh Circuit, Plaintiff hereby designates Douglas R. Sprong as counsel of record for this appeal.

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CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2008, I caused copies of the foregoing Motion to be served on the following counsel via the Court's Electronic Case Filing System:

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